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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,722	11/21/2001	Frank Martinez	6542/53655	5334

30505 7590 04/25/2005

MARK J. SPOLYAR
38 FOUNTAIN ST.
SAN FRANCISCO, CA 94114

EXAMINER	
LEZAK, ARRIENNE M	

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/990,722	MARTINEZ ET AL.	
	Examiner	Art Unit	
	Arrienne M. Lezak	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23,28 and 29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23,28 and 29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 October 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/28/03 & 11/13/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Per telephone conversation with Mark James Spolyar, Counsel for Applicant on 30 March 2005, Examiner submits the following written restriction requirement and election confirmation after respective verbal enumeration and approval of the same.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I. Claims 1-23, 28 & 29 drawn to a system enabling a web services network, classified in class 709, subclass 217.

   II. Claims 24-27, drawn to a method facilitating the generation of globally unique network identifications, classified in class 709, subclass 225.

3. The inventions are distinct, each from the other because a system enabling a web services network does not rely upon or require a method facilitating the generation of globally unique network identifications and visa-versa.

4. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a system enabling a web services network does not rely upon or require a method facilitating the generation of globally unique network identifications and visa-versa. The subcombination has separate utility such as a method for processing collected information generally.

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

6. As noted above, a telephone conversation with Mark James Spolyar, Counsel for Applicant, requesting oral election to the above restriction requirement, did result in an election being made, which election is for invention I, Claims 1-23, 28 & 29.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claim 15 recites the limitation "the routing node". There is insufficient antecedent basis for this limitation in the claim, as "the routing node" could be either the "network services engine" or the "network services switch". Applicant has indicated the intention to amend the claim language to read "the network services switch", thus, Examiner will interpret "the routing node" to be "the network services switch" for purposes of this examination. Examiner requires Applicant to amend the same.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-23, 28 & 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of US Patent US 6,408,282 B1 to Buist in view of US Patent Pub. US 2001/0054020 to Barth.

11. Regarding Claims 1, 5, 10, 11, 15, 18, 28 & 29, Buist discloses a method and system enabling a web services network, (Abstract; Figs. 1 & 2; Col. 6, lines 62-67; & Col. 7, lines 1-12), comprising:

a root network services engine operably connected to a computer network, (Figs. 1 & 2; Col. 6, lines 62-67; & Cols. 7-11):

- the root network services engine maintaining a persistent data store storing a global routing table including routing entries allowing for the routing of service action requests and responses over the computer network, (per pending Claim 5), (Figs. 1 & 2; Col. 7, lines 56-67; Col. 8, lines 1-62; & Col. 9, lines 10-41), (Examiner notes that the use of multiple load-balancers on multiple hierarchically situated servers and/or routers would have been obvious in light of the teachings of Buist to further facilitate even load distribution among replica servers, (Col. 9, lines 20-27));

a network services engine operably connected to the computer network, via a routing device, (per pending Claim 11), (Examiner notes that load-balancers may obviously be incorporated into servers and further that

load-balancers obviously, if not inherently, perform a routing functionality, thereby acting as a routing device), (Figs 1 & 2; Col. 6, lines 62-67; & Cols. 7-11):

- the network services engine maintaining a persistent data store storing a first local routing table including routing entries allowing for the routing of service actions requests and responses over the computer network, (per pending Claim 18), (Figs. 1 & 2 & Col. 8, lines 3-31), (Examiner notes that the use of multiple load-balancers on multiple hierarchically situated servers and/or routers would have been obvious in light of the teachings of Buist to further facilitate even load distribution among replica servers, (Col. 9, lines 20-27));

at least one network services switch operably connected to the computer network via existing routing nodes, (per pending Claim 29), (Figs 1 & 2; Col. 6, lines 62-67; & Cols. 7-11):

- the network services switch maintaining a second local routing table, (a subset of the first routing table – per pending Claim 10), including routing entries allowing for the routing of service actions requests and responses over the computer network, (Figs. 1-2 & Col. 8, lines 3-31), (Examiner notes that the use of multiple load-balancers on multiple hierarchically situated servers and/or routers would have been obvious in light of the teachings of Buist to further

facilitate even load distribution among replica servers, (Col. 9, lines 20-27));

- wherein the routing node (network services switch) is operative to route service action requests and service action responses to appropriate nodes connected to the computer network, (Col. 8, lines 3-31);
- wherein the root network services engine is operative to add a routing entry to the first and/or second local routing table in response to a routing entity request, (Col. 7, lines 56-67; Col. 8, lines 1-62), (Examiner notes that in addition to updating databases within a hierarchy, Buist teaches the receipt of updated information from a user workstation, which information would obviously include routing information for servicing a user request, as the routing information would be necessary for location of a user workstation within a hierarchical structure, (Col. 7, lines 1-12), such as that of Buist);
- wherein the network services engine is operative to add a routing entry to the second local routing table in response to a routing entity request, (Col. 7, lines 56-67; Col. 8, lines 1-62), (Examiner notes that in addition to updating databases within a hierarchy, Buist teaches the receipt of updated information from a user workstation, which information would obviously include routing information for servicing a user request, as the routing information would be necessary for location of a user workstation within a hierarchical structure, (Col. 7, lines 1-12), such as that of Buist);

- wherein the network services engine passes routing entity requests associated with a routing entry not contained in the first local routing table, (i.e.: new data), to the root network services engine, (Col. 8, lines 3-31; Col. 10, lines 63-67; & Col. 11, lines 1-14), (Examiner notes that new data would obviously not be contained in any routing table); and
- wherein the network services switch is operative to transmit a routing entity request to the network services engine in response to a service action request requiring a routing entry not contained in the second local routing table, (Col. 8, lines 3-31; Col. 10, lines 63-67; & Col. 11, lines 1-14), (Examiner notes that new data would obviously not be contained in any routing table. Moreover, Examiner notes that within the Buist hierarchical system, all requests and responses between entities would have been obvious for purposes of efficient and reliable information location, distribution and synchronization between any two or more levels within the hierarchy).

12. Examiner notes that though Buist teaches a system and method for conducting securities transactions over a computer (Internet) network, Buist does not specifically teach load-balancing among web servers for general information inquisitions. Barth discloses a dynamic information collection engine which electronically extracts information from third-party websites, direct supplier connections and intermediate databases, (Barth - paragraph #0013), within a fault-tolerant system employing hierarchical mechanisms, which mechanisms include load-balancers, (Barth –

paragraphs #0074-0078), and which fault-tolerant load-balancing system would have been obvious to incorporate into the Buist system to further facilitate even load distribution among replica servers, (Col. 9, lines 20-27)). Thus Claims 1, 5, 10, 11, 15, 18, 28 & 29 are found to be unpatentable over the combine teachings of Buist in view of Barth.

13. Regarding Claims 2, 6, 16, 17 & 20, the combined teachings of Buist in view of Barth are relied upon as noted herein. Buist further discloses a parent node operative to maintain the local routing table(s) on the (child) routing node(s) associated therewith, (per pending Claims 2, 6, 16 & 20), (Col. 8, lines 3-31). Thus Claims 2, 6, 16, 17 & 20 are found to be unpatentable over the combine teachings of Buist in view of Barth.

14. Regarding Claims 7-9 & 21-23, the combined teachings of Buist in view of Barth are relied upon as noted herein. Though Buist teaches an update functionality, it does not specifically disclose a time-stamp comparison. Barth specifically teaches a time-stamp comparison, (Barth – paragraphs #0237-0238), wherein a comparison is made, (either periodically or on-demand), to determine the necessity of an update, and which comparison in combination with the update functionalities disclosed within Buist obviously reads upon a routing matrix facilitating identification of out-of-date routing entries in the local routing table(s) of the routing node(s) associated with the parent node, (per pending Claims 7 & 21), wherein the routing matrix contains parent node update stamps for corresponding routing entries in the first routing table; and wherein, for each routing node associated with the parent node, the routing matrix obviously contains a routing node update stamp for each routing entry in the local routing table,

(per pending Claims 8 & 22), and wherein the parent node is operative to update a routing entry in the local routing table of a routing node based on a comparison of the corresponding parent node update stamp and routing node update stamp, (per pending Claims 9 & 23). Thus Claims 7-9 & 21-23 are found to be unpatentable over the combine teachings of Buist in view of Barth.

15. Regarding Claims 3 & 19, the combined teachings of Buist in view of Barth are relied upon as noted herein. Buist further discloses wherein the parent node is operative to receive and process updates to routing entries in the first routing table; and wherein, in response to the updates, the parent node is operative to update the local routing table(s) on the routing node(s) associated therewith, (Col. 8, lines 3-31), (Examiner further notes that updates to and from any point in the hierarchical chain would have been obvious in light of the teachings of Buist). Thus Claims 3 & 19 are found to be unpatentable over the combine teachings of Buist in view of Barth.

16. Regarding Claim 4, the combined teachings of Buist in view of Barth are relied upon as noted herein. Buist further discloses the parent node as a root node, and the first routing table as an obvious global routing table, (Figs. 1 & 2; Col. 8, lines 3-31). Thus Claim 4 is found to be unpatentable over the combine teachings of Buist in view of Barth.

17. Regarding Claims 12-14, the combined teachings of Buist in view of Barth are relied upon as noted herein. Buist further comprising a console application providing a user interface facilitating configuration of the parent node and the routing node, (per pending Claim 12), wherein the console application transmits service action requests,

(over the web – per pending Claim 14), operative to change the configuration of the parent node and/or the routing node, (per pending Claim 13), (Col. 8, lines 3-31 & Col. 11, lines 15-53), (Examiner notes that Buist provides a globally customizable GUI in addition to a hierarchical update functionality wherein the change to a configuration could obviously be an update done over the network, which network obviously includes the Internet). Thus Claims 12-14 are found to be unpatentable over the combine teachings of Buist in view of Barth.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Pub. No. US 2002/0004846 A1 to Garcia-Luna-Aceves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
Examiner
Art Unit 2143

AML

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100